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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventeenth session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 24 November 1997, at 10 a.m.

Chairperson: Mr. ALSTON

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GE.97-19461 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of the United Kingdom of Great Britain and Northern Ireland (E/1994/104/Add.11; E/C.12/Q/UK/1)

1. At the invitation of the Chairperson, Mr. Fifoot, Sir John Ramsden, Mr. Mace, Mrs. Scott, Mr. Masson, Mr. Roberts, Miss Moore, Ms. Thorne and Mr. Wells (United Kingdom of Great Britain and Northern Ireland) took places at the Committee table.

2. Mr. FIFOOT (United Kingdom of Great Britain and Northern Ireland) said that, since the submission of his Government's third report (E/1994/104/Add.11), there had been a number of changes in legislation, policies and programmes affecting matters referred to in the Covenant, as well as a change in the Government.

3. A significant amount of relevant legislation had been enacted in 1996 after the presentation of the United Kingdom's third report. It was a year that had seen the consolidation and development of much of the law on education - the Education Act 1996 and the School Inspections Act 1996; the consolidation of the law on employment rights - the Employment Rights Act 1996; and the law on industrial tribunals - the Industrial Tribunals Act 1996. Major new laws had been the Disability Discrimination Act, which, though enacted in 1995, had come into force in 1996, and the Family Law Act 1996, which had made extensive new provision regarding the broken marriages, the welfare of the children of such marriages, family homes and domestic violence. References to the latter two Acts had been included in the written replies to the Committee's questions. Other measures in matters covered by the Covenant included the Housing Act 1996, which was noted in some detail in the reply to paragraph 70 of the list of issues (E/C.12/Q/UK/1), and the Housing Grants (Construction and Regeneration) Act 1996, which provided for grants and other assistance for housing and made further provision with regard to unfit housing. Education had been served by the Education (Scotland) Act 1996, which had established the Scottish Qualification Authority. A new system of community care for certain mentally disordered patients following release from hospital was envisaged in the Mental Health (Patients in the Community) Act 1996.

4. The year 1997 had seen the enactment of the Protection from Harassment Act, as noted in the reply to paragraph 58 of the Committee's list. In Northern Ireland, the Race Relations (Northern Ireland) Order 1997 had come into force; it was modelled on the race relations legislation in Great Britain. One measure in the cultural field had been the Local Government (Gaelic Names) (Scotland) Act 1997, which enabled Scottish local authorities to take a Gaelic name.

5. Administrative programmes supplemented legislative provisions. The past two years had seen the development of the National Curriculum in schools so as

to place greater emphasis on literacy and numeracy and opportunities to develop information technology skills. The Teacher Training Agency had been asked to introduce a new professional qualification for head teachers and a national curriculum for teacher training. The third report (E/1994/104/Add.11) referred to the targets set for training programmes - the foundation and lifetime learning targets. There were 81 Training and Enterprise Councils in England and Wales, 22 Local Enterprise Companies in Scotland and 36 Local Enterprise Agencies in Northern Ireland, the function of which was to foster local economic development and stimulate employer investment in skills. In England and Wales, Training and Enterprise Councils also managed Government-funded programmes. The Department of Education and Employment had earmarked £1,200 million in 1996/97 for those programmes, with a further discretionary fund of £55 million over the next three years. Training for work in Scotland was conducted by Scottish Enterprise and the Highlands and Islands Enterprise through their networks of local enterprise companies. The Training and Employment Agency was responsible for training in Northern Ireland. In Great Britain, some 120 industrial training organizations were designed to ensure that the skills needed in the industrial sectors could be found.

6. His Government had reported extensively on housing both in the report and in its replies to the issues raised by the Committee. Updating the material in the report, he said that Government funding for the Single Regeneration Budget (SRB) in 1996/97 had been £1,349 million and was £1,316 million in the current financial year. Local regeneration initiatives commenced in the first three rounds of the SRB Challenge Fund (between 1995/96 and 1997/98) were expected to complete or improve more than 250,000 homes. The transfer by local authorities of their housing stock to housing associations (with the support of tenants) had the advantage of bringing in new sources of funding to public housing. Since 1988, those transfers had raised over £3.6 billion in private sector funding. By 1996, a total of 51 authorities had transferred their housing stock, involving more than 220,000 properties. Housing association development programmes in England had been designed to produce nearly 50,000 additional units for rent or shared ownership in 1996/97. Over the same period, Scottish Homes had made grants of £280 million for housing association and private development, and in Wales the target had been 3,000 new housing association homes. Northern Ireland's housing associations had been expected to start 1,250 new accommodation units.

7. The third report and the appended report to the World Health Organization had given details of the health services and broader health strategy. One feature of the health services in recent years had been devolution of responsibilities to the local level. As a result, there were now some 520 trusts in the National Health Service running almost all NHS hospital and community health services.

8. One highly significant development had been the change of government on 1 May. Such events, particularly where they involved a change of political party, inevitably meant some new policies and programmes. Under the new Government, many proposals had been made to give effect to rights and programmes concerning various areas of social policy.

9. The present Government had inaugurated a number of initiatives in education, social security, employment, health services and housing. As it was only six months since the election, it was too early to point to results, although the summer school programmes designed to improve the reading standards of slow learners had already been a success. In introducing the report, he wished to refer to some of the aims the United Kingdom was setting for itself over the next few years.

10. One of the principal items on the Government's agenda was education. The standard of education, particularly in regard to literacy and numeracy, had been a matter of concern. Steps to improve standards had been introduced by the previous Government and the present Government had produced an ambitious programme over the whole education field, from pre-school learning to higher education and teacher training. His delegation had annexed to its replies the White Paper on Excellence in Schools, which set out a programme the Government hoped to achieve during the lifetime of the current Parliament. The goal was to improve standards for all - pupils and teachers alike - and intensify parental and local community involvement in the school system. Among the specific aims of the programme were, at the beginning of education: education for all four-year-olds whose parents wanted it; class sizes of under 30 for children aged five to seven; at least one hour a day devoted to both literacy and numeracy in every primary school; and a great improvement in mathematics and English by the end of primary education. As education progressed, its objectives were: setting pupils according to ability and a network of specialist schools for the benefit of neighbouring schools. Targets for teachers were: national training arrangements for head teachers; new core requirements for all teacher training courses; and a new grade of Advanced Skills Teacher. The White Paper on Excellence in Schools applied to England and Wales. Scottish Ministers had also proposed similar programmes for the separate Scottish education system.

11. Another item at the top of the agenda was "Welfare to Work", a programme designed to bring the long-term unemployed back to work. The Government had begun a review of all major components of the social security system, but did not see welfare as the answer to the problem of long-term unemployment. In its view, the best form of welfare for people of working age was employment, and the aim was to find ways of getting people off dependency and insecurity and into work so as to reintegrate them in society. One aspect of the Welfare to Work programme was to help a quarter of a million unemployed young people aged 18 to 24 find a job. Further details were set out in the reply to paragraph 25. A second aspect was the "New Deal for Lone Parents" to encourage single parents on income support with school-aged children to find training opportunities and employment. Further details were in the replies to paragraphs 25 and 54. A third aspect, touching both employment and education, was "Workskill" - a pilot programme which allowed people who had been receiving the Jobseeker's Allowance for six months or more to undertake employment-related education and training for up to a year without losing their allowance.

12. It was proposed to introduce a statutory minimum wage. A commission appointed to advise on the level of a minimum wage was currently taking evidence on the issue. Of particular concern was the need to avoid a provision that would have the effect of increasing unemployment. A minimum

wage bill was about to be introduced to Parliament. Work was also in hand on the implementation of the EC's working-time directive and parental leave directive. More generally, the coming into force of the Treaty of Amsterdam would mean the implementation of the "Social Chapter" in the United Kingdom, and two related directives would be applied in anticipation of the Treaty's ratification. The Government had also announced its intention to establish a disability rights commission.

13. In health care, a new office had been established to develop a strategy to tackle the root causes of ill health. The strategy, called "Our Healthier Nation", was to be launched by the end of 1997. It would include the setting of national and local targets to cope with inequality in health, the development of healthier schools and workplaces, and action to reduce smoking prevalence rates, particularly among teenagers. Another initiative was the proposal to set up a new independent food standards agency. The Government had also announced plans to change the structure of the National Health Service in order to put an end to current internal competition and replace it with cooperation between local doctors, hospitals and health authorities. Steps had already been taken with a view to reducing bureaucracy.

14. The Government had embarked on a comprehensive review of expenditure on housing, with a wide-ranging study to ensure that all programmes were better targeted to meet the Government's objective of offering everyone the opportunity of obtaining a decent home, thereby promoting social cohesion, well-being and self-dependence. Early action had been taken to release to local authorities capital receipts from the sale of council housing. An additional £800 million had been made available for local authorities in England to spend on housing and housing regeneration projects over the next 18 months.

15. Action had likewise been taken to improve protection for homeless people. New regulations restored the important link between homelessness and the allocation of long-term social housing, priority being attached to such housing for the homeless. Local authorities were also required, when helping a homeless household obtain private rented accommodation in the private sector, to satisfy themselves that the accommodation would be available for at least two years. Funding of up to £20 million from the £73 million third phase of the Rough Sleepers Initiative had been made available to extend help to areas outside London where there were a significant number of homeless persons. A further £8 million would be available in 1998/99 to voluntary organizations offering advice and direct practical assistance to single persons in need of housing. Preference would be given to projects which helped young people to retain their existing accommodation or to find a new home.

16. One particular aim, which reflected a number of the issues raised by the Committee, was to tackle social exclusion. A new social exclusion unit was to be set up in the Cabinet Office to promote coordination between departments, draw together new initiatives and make recommendations for new policies to address the problem. It was intended to work closely with voluntary organizations and local authorities.

17. Finally, in the past month, the Department for International Development had published a White Paper on its policy on overseas aid and international development cooperation. The White Paper set out the Government's aims regarding the need to reduce poverty overseas, to focus on rights essential to relieving poverty and achieving sustainable livelihoods and to provide assistance to policies with a direct bearing on those aims and institutions specifically designed to promote them.

Article 2, paragraph 1. General measures of implementation

18. Mr. RATTRAY, referring to paragraph 1 of the list of issues (E/C.12/UK/1), asked whether there had been any discussion in Parliament on the content of the United Kingdom's report. Had non-governmental organizations (NGOs) been consulted during its preparation? Had there been any efforts to give greater publicity to the issue in the media? How did the United Kingdom perceive its responsibility to acquaint the public with the rights set forth in the Covenant? The report had said little about those matters. More generally, did the Government regard the International Covenant on Economic, Social and Cultural Rights to be part of an indivisible whole on an equal footing with the International Covenant on Civil and Political Rights?

19. Mr. SADI asked whether the new Labour Government would have any impact on the Covenant. Had the initial emphasis on human rights been eroded by pragmatic considerations? According to information provided by NGOs, the United Kingdom ranked eleventh among the 15 member States of the European Union in terms of poverty and that 25 per cent of the population were said to be living in poverty. Much had been said recently about "ethical investment", namely investment to promote social welfare and employment, and he asked how the new Government had been pursuing that idea.

20. It was his distinct impression that the United Kingdom did not regard the Covenant as having the effect of law, but only as a guideline. He would remind the delegation that the Covenant should be part of the domestic legal system. The United Kingdom was seeking to make the European Convention on Human Rights applicable under domestic legislation. Why was the Covenant not being given similar treatment? What did the Government mean by "reflect" when it stated in its reply to paragraph 6 of the list of issues that its law, practices and policies reflected the provisions of the Covenant?

21. Mr. TEXIER, reverting to Mr. Rattray's question about promoting public awareness of the Covenant and relations with NGOs to that end, asked whether the Government had simply made its report public and allowed NGOs to comment or whether there was closer cooperation in drafting it. As to the questions on the right to work, was there concertation with trade union organizations so as to obtain their opinion on the part of the report of concern to them? Had the report given rise to public debate? He was asking those questions because he had the impression that the Government of the United Kingdom had gone to great lengths to produce the report, yet the document had never been made public and few people knew anything about its content. Did the Government plan to encourage public dialogue after the Committee's consideration of the report?

22. Mr. RIEDEL said that the replies to paragraphs 3 and 7 of the list of issues were even more scant than those which had been provided by the previous Government, yet the issues involved had very important implications.

23. General Comment 3 (1990), on the nature of States parties' obligations, listed a number of obligations under the Covenant which had a direct effect for individuals. According to paragraph 9 of the third report, most of the Covenant's provisions did not purport to establish norms which lent themselves to translation into legislation or justiciable issues, but were statements of principle and objectives. Actually, international law traditionally drew a distinction between non-self-executing and self-executing treaty obligations and if the position was taken that those obligations were non-self-executing, it would still imply that the United Kingdom Government was fully obliged to translate those international norms into binding legal obligations. If they were considered principles and objectives, were they applied to all State organs and courts of justice? Under the common law system, that was not the prevailing view, but he would like to know whether a change was foreseen with respect to economic, social and cultural rights. With the United Kingdom's acceptance of the Social Chapter, and the incorporation into law of the Treaty of Amsterdam, he wondered whether a new attitude would be adopted. Could not the possibility of translating human rights positions embodied in European Council directives also apply to economic, social and cultural rights?

24. He believed that if each individual right as laid down in the Covenant was taken merely as a principle and objective, then it was all the more necessary to translate it into State practice, namely as international legal obligations under article 2, paragraph 1, to ensure that obligations would be translated into direct measurable government policy, acts of parliament and statutory instruments for their implementation. It was a key issue and he would be grateful for an answer from the delegation because it would offer some insight into the Government's thinking on the need for an optional protocol to the Covenant, the primary purpose of which would be the establishment of an individual complaints procedure. There would be no need for such a procedure if the provisions continued to be regarded purely as a principle or an objective.

25. Mr. GRISSA asked whether there would be a subsequent report on the situation in the dependent territories.

26. The CHAIRPERSON said it appeared that there would be such a presentation at a future date.

27. Mr. WIMER said the Committee was convinced that the information presented by the delegation would clarify certain specific issues relating to recent British social policy. A synthesis of the main programming objectives of the Government's social policy, particularly insofar as it contrasted with the policy pursued by the previous Government, would enhance the discussion. He would like precise information on how the present Government intended to make good on promises it had announced with respect to human rights before it was voted into office.

28. Mr. ANTANOVICH asked how much the United Kingdom, with its enormous awareness of social problems, thought it necessary to publicize the Covenant

and what it considered was the best course in that regard. Admittedly, the problems linked to poverty and other incurable social ills would persist for quite some time to come, and too much public awareness could place great pressure on the resources available to meet those demands.

29. Again, how much publicity was to be given to the issue of social exclusion in the day-to-day functioning of government offices and what link was to be established between the real situation and the problem of social exclusion? Could programmes now be devised to resolve the problem and what was the best way of doing that? Would the answer lie in dealing with exclusion through nationwide legislation or should it be handled on a daily basis by practical means?

30. Mr. AHMED said that he was grateful for the wealth of material provided and he looked forward to a very constructive dialogue with the delegation.

31. The fact that the United Kingdom had a preference for no legislation on rather important subjects or a written constitution or a bill of rights was baffling. Indeed, proverbial British "muddling through" was reflected in the attitude to the Covenant and the rights in question. The absence of constitutional protection for human rights was becoming an issue of increasing concern, as had been said in a submission to the Committee on the Elimination of Racial Discrimination. The 1995 report of the Human Rights Committee (A/50/40) to the General Assembly, had also said that the United Kingdom's legal system did not ensure fully that an effective remedy was provided for all the rights contained in the Covenant on Civil and Political Rights. He hoped that there would be a change leading to legislation on human rights.

32. The situation in Northern Ireland had scarcely been mentioned in the report and the oral presentation. Reports from the Standing Advisory Commission on Human Rights, which had been established by the United Kingdom as an independent statutory body to make recommendations on the situation in Northern Ireland, had been disturbing. Recommendations to Government to develop legislation to put an end to the ineffectual policy of dealing piecemeal with social problems in Northern Ireland and the rest of the United Kingdom had gone unheeded.

33. He had been a long-standing admirer of British society, which exemplified humaneness, tolerance and civilization. He was therefore greatly surprised by the joint submission to the Committee, entitled "Poverty undermines rights in the UK", presented on behalf of some 15 United Kingdom NGOs, highlighting the very serious problems, including poverty and social exclusion, that affected the enjoyment of economic, social and cultural rights. Among other claims, the submission gave a disturbing picture of the deterioration in social welfare. The United Kingdom ranked eleventh out of the 15 members of the European Union. Statistics showed that 24 per cent of the population was living in poverty, that more than one child in three had been living in poverty in 1993, compared with one in 10 in 1980. The divide between the highest and the lowest incomes was at its widest point since 1886. Nevertheless, successive Governments had declined to develop a national poverty eradication plan as recommended by the 1995 United Nations World Summit on Social Development.

34. He joined Mr. Wimer in requesting further information that would give the Committee a more thorough understanding of the plans envisaged to deal with the many serious problems. A briefing was needed on measures to be adopted to eradicate poverty, meet the problems arising from violations of economic, social and cultural rights, and ease the hardships faced by single parents, young people, the disabled, asylum-seekers and ethnic minorities. The problems in Northern Ireland required legislation and strengthened decision-making capability to transcend the current difficulties.

35. Mr. MARCHAN ROMERO recalled that in its 1994 concluding observations (E/C.12/1994/19) the Committee had expressed concern that judges and other members of the legal profession had not given sufficient importance to the Covenant within domestic law. Furthermore, the Committee had considered that the availability of reports in the library of the House of Commons was insufficient to satisfy the interest of the public at large. In view of the great importance the Committee attached to the distribution of material on the Covenant, he wondered what measures had been adopted to ensure wider dissemination of the content of the Covenant, particularly among judges, magistrates and persons responsible for the implementation of the Covenant.

36. The reply to paragraph 2 of the list of issues, to the effect that the Covenant was not directly applicable and that government officials were "expected to" become conversant with the Covenant was disturbing. More specific information was required in that regard.

37. Mr. ADEKUOYE, noting that the United Kingdom was still a major donor of overseas assistance, said he did not share the view that it was among the poorest countries in the European Union. He invited the delegation to comment on the assertions to that effect. Certainly, by European standards, the country was plagued by a number of problems which required vast resources to remedy. As the new Government had made a commitment not to raise taxes, he wondered how supplementary income would be generated. Another matter was whether market flexibility policies had contributed to lower wage levels, higher wage differentials and greater inequity than in the countries of continental Europe. He did not believe that the Government had set out to lower wages through deregulation, although that might have been an inadvertent outcome. What had given rise to the present economic situation?

38. Mr. CEAUSU congratulated the Government on the impressive work done in preparing the periodic report and making the oral presentation to the Committee. He also commended the Secretariat for its role in gathering the documentation for the consideration of the report.

39. For continental Europeans, the United Kingdom had sometimes seemed like a doubly foreign country. However, the report and the written replies had clarified a number of points on a society in a state of transformation, which was aware of its difficulties and shortcomings in the organization of civil society and of State institutions as they endeavoured to meet the needs of the British people, in keeping with European and other international commitments. He was fully confident that the United Kingdom would find solutions in meeting its obligations under the Covenant.

40. However, the written reply to paragraph 8 of the list of issues on the status of the Covenant in relation to domestic law, was disappointing. In his view, the fact that treaties and conventions were not incorporated directly into law and the precedence of national law in the event of a conflict of law represented a breach of a commitment. He would welcome additional information to the effect that, in reality, it was unlikely such a conflict would arise and that Parliament and Government had taken all the requisite steps to ensure that national laws and practices would be consistent with the Covenant.

41. Mr. RATTRAY said it was apparent that the United Kingdom was going through a transition in terms of its own attitude towards obligations concerning economic, social and cultural rights. Its decision to subscribe to the European Convention on Human Rights and aspects of the Social Chapter obviously reflected a move towards acceptance of obligations in the areas with which the Covenant was concerned. As part of that development, and in view of the need to raise consciousness about economic, social and cultural rights, what was the delegation's opinion about the possibility of requiring human rights obligations assessments - much like environmental impact assessments - to be made whenever any legislation or major policy decisions were being contemplated?

42. Mr. FIFOOT (United Kingdom) said that, although it was outside his delegation's brief to give a concise review of the present Government's proposals and policies in general, those that the Government had announced would be dealt with when the specific issues to which they related came under consideration, as would the figures cited by Mr. Sadi.

43. The reports submitted to the Committee by the United Kingdom were factual reports prepared solely by the Government. Since their preparation was a very time-consuming and costly process, inclusion of the contribution of other groups would increase that burden considerably. With reference to Mr. Texier's question, therefore, there was no forum with non-governmental organizations held to assist in the preparation of the report. That was in no way a criticism of non-governmental organizations, with which the various government departments had constant and valued contacts, despite occasional friction.

44. The Covenant and the reports on the rights it covered were brought to the notice of the public in the same way as the enactment of domestic law. Notice was given of such instruments, they were published by the Stationery Office and then appeared in annual volumes. International instruments such as the Covenant appeared in a Treaty Series. International instruments and domestic laws were also published in commercial collections and compilations. Anyone who wished to consult any particular text was thus in a position to do so. Anyone wanting copies of the Covenant could also obtain them from the information services or indeed by application to the Committee itself. The Government's reports were published as white papers to Parliament and the present third report could be freely obtained on application to the Foreign and Commonwealth Office.

45. The rights enshrined in the Covenant were not applied in the United Kingdom by incorporating the Covenant as it stood into domestic law. Although the Government accepted the obligations contained therein, the

British preference was for hard law on specific issues rather than for law setting out general principles, with the result that the principles and programmes contained in the Covenant were given effect by a large body of existing law dealing with many social, economic and, less frequently, cultural, issues. There was continuing public debate on such issues and they received wide coverage in the media. In addition, an enormous amount of practical information on various aspects of social and economic legislation, and how individuals could apply to receive the relevant benefits, was provided in the form of printed pamphlets freely obtainable by the public in post offices, citizens' advice bureaux and other convenient outlets.

46. As to the question of legislating rights as a matter of principle, the United Kingdom would be bringing the European Convention on Human Rights into domestic law, since its articles were so drafted as to be capable of being translated into hard law. The United Kingdom had already seen how the Convention operated in practice, through its experience of the individual petition procedure since 1968, and had concluded that its provisions were capable of incorporation into domestic law, unlike the Covenant, where the wording of some articles did not readily lend themselves to passage into such law. However, since the United Kingdom did not have a supreme or constitutional court to measure the compatibility between the provisions of the Convention and existing domestic law, the Government was proposing a shortened parliamentary procedure to provide for amendment of a law found by a court not to be compatible with the Convention when enacted into law as a Bill of Rights. That procedure was necessary because no court in the United Kingdom had the right to the final decision on the validity of legislation. The United Kingdom had also recently signed the revised European Social Charter, although not the protocol - just as it had as yet made no decision on the optional protocol to the Convention.

47. The question by Mr. Sadi as to whether the new Government would make a real difference could not be answered objectively. However, the Government did have certain political and social views that differed from those of its predecessors. It had a particular commitment to social partnership and had announced a number of measures in pursuit of that aim that would be detailed in the context of the replies to be given on specific issues. The general term "human rights" as applied by the Committee, was not one frequently in use in the United Kingdom, where the focus was generally on some specific matter affecting those rights such as poverty, unemployment or social exclusion.

48. With reference to paragraphs 7 and 9 of the list of issues and the written replies to them, as mentioned by Mr. Riedel, it was the United Kingdom's view that the Covenant was a programmatic document and that legislation was necessary to give effect to it. Following the translation of the principles of the Covenant into domestic law - to answer Mr. Antanovich's question - a large amount of information was made easily accessible to the general public in the form of pamphlets detailing specific rights which they could claim. The Government would probably continue to deal with the particular, as opposed to the general, although that might not come under the concept of "muddling through" as mentioned by Mr. Ahmed, since the policies announced by the new Government showed a firm direction in the relevant areas.

49. No specific training was given to the judiciary or other court officials with respect to the Covenant, because the courts could not give effect to that instrument as such. They could do so only to the extent that domestic law gave effect to the rights and principles it enunciated. However, professional organizations could well offer courses in human rights. Many British universities provided courses in human rights, including rights under the Covenant as well as those covered by ILO conventions. As for civil servants, there was a particular need for them to be aware of the contents of the Covenant in their task of advising their political masters on matters concerning the Covenant likely to be implemented by law or policy.

50. A separate report would be provided on the dependent territories.

51. Mr. ADEKUOYE asked whether, in view of the claims that the United Kingdom was one of the poorer countries of Europe, the Government's promise not to raise taxes would have any effect on its ability to fulfil its obligations. If any policy was envisaged to provide a substantial rise in incomes, that would surely give greater leverage for increasing taxes.

52. Mr. RIEDEL asked whether the proposed Bill of Rights was intended to cover the whole of the United Kingdom, or whether individual parts such as Northern Ireland or Scotland would have their own bill of rights. Non-governmental organizations had indicated that, in Northern Ireland at least, there was all-party agreement for such a step, which, if it did not necessarily take the form of a bill of rights, could well take shape as a commission for human rights or an ombudsman, with a mandate extended to cover economic, social and cultural rights. If the United Kingdom was prepared to sign the European Social Charter and its Protocol, would it not also be possible to incorporate economic, social and cultural rights into ordinary law? He would appreciate further details on the simplified parliamentary method proposed for resolving conflicts between laws.

53. Mr. SADI said it was difficult to see how the United Kingdom's position regarding its inability to give the Covenant the force of domestic law could be reconciled with the provisions of article 2, paragraph 1, of the Covenant whereby each State party was enjoined to take steps to ensure full realization of the rights recognized by the Covenant.

54. Mr. ANTANOVICH said that, from the standpoint of the sociologist, he took issue with the view that the Covenant was a programmatic document. Such an interpretation left a government free to decide which parts of the programme it wished to bring into domestic law. The Covenant ought in fact to be regarded as a normative document, binding in nature, against which domestic law could be measured. What he had found of most concern in the information provided by non-governmental organizations was not any insufficiency in the regulation of social and economic process by the law but that the amount and distribution of the resources available for that purpose needed to be placed on a more rational and equitable basis.

55. Mr. FIFOOT (United Kingdom) said in reply to Mr. Adekuoye that, while raising taxes might solve problems, the present Government had taken the view that firm control of public expenditure was necessary. Elimination of poverty would be achieved not by increasing welfare benefits but by trying to move

more people into work. The resulting Welfare to Work programme was the way out of the poverty currently afflicting mainly young people, lone parents and the long-term unemployed.

56. The proposed Bill of Rights was intended to cover the whole of the United Kingdom without exception. Although a number of bodies had made representations for a separate bill of rights for Northern Ireland, it should be recalled that there were already a number of separate human rights provisions for Northern Ireland, including the provisions against political and religious discrimination contained in the Constitution of Ireland Act and the fair employment legislation. Those would not be affected by the bill of rights, which dealt with civil and political rights.

57. A question had been asked about the shortened parliamentary procedure proposed for dealing with any case in which a higher court found a major piece of legislation - in other words an act of parliament and not rules or regulations - inconsistent with any provision of the Bill of Rights. In view of the length of the normal procedure to correct such an anomaly, namely the passage of another act of parliament, the present Government had proposed the introduction of necessary amendments by government order, requiring only a single vote of both Houses of Parliament to bring them into law.

58. It was difficult to understand why Mr. Sadi and Mr. Antanovich felt there was a conflict between the Committee and the United Kingdom Government on the issue of the Covenant, since the Covenant itself did not require States to enact it as law. What the Covenant required was that States should comply with its provisions, which the United Kingdom considered it did through the provisions of its domestic law.

Articles 2, paragraph 2, and 3, Non-discrimination and equal rights of men and women to the enjoyment of economic, social and cultural rights

59. Mr. RATTRAY inquired whether the United Kingdom had contemplated gathering its comprehensive range of anti-discrimination laws into a single umbrella law. It would be useful to know why, despite the legal framework, discrimination and inequality continued to be endemic in that country. Most working women and ethnic minorities, for instance, held low-paying jobs. What was the Government's prognosis with regard to the elimination of de facto discrimination?

60. Mr. SADI asked whether there were remedies available to women for sexual discrimination in the workplace, what the criteria were for compensation, and how much compensation was generally awarded.

61. Mr. ADEKUOYE asked, first, why allowances and benefits for widows and widowers were not the same and, second, what the reasons were for the difference, cited in paragraph 33 of the report, between the average salaries of men and women.

62. Mrs. SCOTT (United Kingdom) said that the question of umbrella anti-discrimination legislation had arisen and the Government had heard the views of various interested bodies, including NGOs and the Equal Opportunity Commission. Although there were some arguments in favour of adopting such an

approach, in general anti-discrimination organizations understood that their specializations differed; the problems of women were not, for instance, the same as those of the disabled. Also, anti-discrimination groups tended to lobby the Government with regard to their own special areas of interest. Furthermore, the United Kingdom was bound to incorporate legislation adopted by the European Community into domestic law and, although Europe had enacted a sex discrimination law, it had no law on racial discrimination: the Equal Pay Act and Sex Discrimination Act needed to be frequently updated.

63. The third report addressed the matter of equal pay for men and women only briefly. The United Kingdom in fact closely and frequently monitored the average pay of men and women. The most recent figures, for April 1997, showed that women's earnings had continued to rise steadily over a period of 10 years; the average pay of women now stood at 80.2 per cent of the average pay of men. That did not mean men and women holding the same jobs were paid differently, a practice which had been prohibited in 1970. There was no question that women were making progress. An independent study conducted by the Institute of Management had shown that in 1995/96, the most recent year for which figures were available, 15 per cent of all top-echelon jobs were held by women, up from 12 per cent the previous year. Another independent study had shown that 29 per cent of directors in the private sector were women. Women tended to work in non-manual occupations, which were in general more highly paid than manual trades. In addition, women were taking a greater and greater share of the jobs on the labour market. The United Kingdom was, in fact, the only country in the European Union where the rate of unemployment was lower for women than for men.

64. The procedure for filing suit against an employer for sexual discrimination was widely used in the United Kingdom; approximately 4,000 cases had been heard in the previous year. A woman first brought her case before an industrial tribunal, where she had the choice of representing herself or of being assisted by a labour representative. If unsatisfied with the decision, she could appeal to the courts, with the assistance of the Equal Opportunity Commission. Some cases had gone as far as the House of Lords and the European Court of Justice. Various remedies were possible, financial compensation being the most common. There was no limit on the amount of an award. In the previous 12 months, the highest sum awarded had been £111,000, to a woman who had argued that she had not been paid or promoted on a par with a male colleague performing the same duties.

65. Sexual harassment was prohibited under the Sex Discrimination Act and was classed as detrimental to women (or to men, though such cases were rare). The number of women who brought such cases before the courts had been rising. United Kingdom sexual harassment legislation was indeed as strong as that of the United States of America. In fact, a recent report of the European Commission had praised the effectiveness of the United Kingdom law.

66. Miss MOORE (United Kingdom) said that the difference between the allowances and benefits granted to widows and widowers dated from an era when few women had worked and, therefore, had generally needed more assistance after the death of their spouses than had men. Some changes had been made in the past 10 years: a widower could now inherit a portion of the wife's retirement pension. Widows and widowers received the same social security

allowances and the same allowances for children. Furthermore, under the taxation system, both women and men were granted additional personal allowances for bringing up children alone. She did not know whether the bereavement allowance, a very small sum which applied only to the year of the death, differed for widows and widowers.

Article 6. The right to work

Article 7. The right to just and favourable conditions of work

67. Mr. GRISSA noted that the written replies indicated that persons with disabilities constituted about 9 per cent of the labour force. Could that high percentage be attributed to the definition of the term "disabled"? It would be useful to know whether such illnesses as AIDS were considered disabilities. Were persons with AIDS subject to discrimination and, if so, what measures had been taken to combat it?

68. Mr. RIEDEL said the written replies contained an impressive and frank analysis of the reasons for the higher unemployment rate among ethnic minorities. They also stated that the Government expected equal opportunities to be part of the development and implementation of all policies, programmes and initiatives. Information would be useful on the nature and outcome of those measures.

69. Mr. SADI asked what accounted for the extraordinarily high number of people with a long-term working-disability, said to be currently 5 million, or 15 per cent of the working age population. The replies also indicated that the Government was committed to the introduction of a national minimum wage, in such a way as to promote competitiveness and to ensure fair competition. It would be useful to know, first, why the United Kingdom had not yet established a minimum wage, and second, how the establishment of a minimum wage could, in practical terms, ensure competitiveness and fair competition.

70. Mr. TEXIER inquired whether the unemployment rate was still at 8.5 per cent and how the United Kingdom was dealing with the difficult matter of long-term unemployment. Despite the Government's efforts, such unemployment was still an acute problem in Northern Ireland and was worse among Catholic men than among Protestant men. What measures, if any, had been taken in that regard? The reply to paragraph 23 of the list of issues said that a detailed response would be available by late 1997 or early 1998. When could it be expected?

71. The Government should inform the Committee of when it intended to establish a national minimum wage. Were the most disadvantaged members of United Kingdom society earning wages that allowed them and their families to live a decent life, as provided under article 7 of the Covenant?

72. Mr. ANTANOVICH said that, although he was impressed by the analysis of the reasons for the difference between unemployment rates for Whites and ethnic minorities, contained in the reply to paragraph 22, he was not convinced by the assertion that discrimination by employers was unintentional. Employers naturally preferred to hire those who could do the job, not those who needed an education in order to do the job. It was striking that

unemployment among ethnic minorities was 2.4 times higher than among Whites. All persons, irrespective of their backgrounds, deserved the chance to succeed. It would be useful to know how and in what ways United Kingdom legislation reflected article 7, and, in particular, the right of ethnic minorities to equal opportunities, and what the new Government's policy and outlook were in that regard.

73. Mr. CEVILLE asked how the Government intended to enhance the skills of workers in order to make them more competitive in the labour market and what was meant by diminishing labour costs not related to workers' pay.

74. Mr. RATTRAY asked whether, in the view of the United Kingdom, the right to work was also a matter of the quality of work, what the United Kingdom's position was with regard to the kind of job opportunities to be created, and whether the Government saw affirmative action as a means of combating discrimination against Blacks and other ethnic minorities in the workplace.

75. Mr. CEAUSU said that the United Kingdom had had considerable success in diminishing its unemployment rate, an achievement which had been noted at the European Community's recent Summit on Employment. It would be helpful to know more about the programmes undertaken by the Government to create jobs and to provide job-seekers with access to jobs that were in keeping with their skills as well as with their personal and family situations.

The meeting rose at 1 p.m.